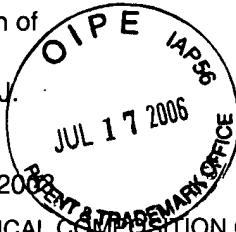


## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

FERGUSON, Mark W.

Serial No. 10/654,994



Atty Dkt. 39-288

C# M#

TC/A.U.

1647

Examiner: Romeo, D.S.

Date: July 17, 2006

Title: PHARMACEUTICAL COMPOSITION CONTAINING AN ACTIVIN OR INHIBIN STIMULATOR

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment previously paid for	<b>20</b>	(at least 20) =	0 minus highest number	\$0.00 (1202)/\$0.00 (2202) \$
Independent claims after amendment previously paid for	<b>3</b>	(at least 3) =	0 x \$50.00	\$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add  
\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)

One Month Extension	\$120.00 (1251)/\$60.00 (2251)
Two Month Extensions	\$450.00 (1252)/\$225.00 (2252)
Three Month Extensions	\$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions	\$1590.00 (1254)/\$795.00 (2254)
Five Month Extensions	\$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add  
\$130.00 (1814)/ \$65.00 (2814) \$

Applicant claims "small entity" status.  Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee  
\$180.00 (1806) \$

Assignment Recording Fee  
\$40.00 (8021) \$

Other:  
\$

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.  
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

FERGUSON, Mark W.J. Atty. Ref.: 39-288; Confirmation No. 6683

Appl. No. 10/654,994 TC/A.U. 1647

Filed: September 5, 2003 Examiner: Romeo, D.S.

For: PHARMACEUTICAL COMPOSITION CONTAINING AN ACTIVIN OR INHIBIN STIMULATOR

\* \* \* \* \*

July 17, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

In response to the Examiner's requirement for election of species, Applicant elects "activin". Claims readable on the elected species include 20, 21, 22, 24, 25, 26 and 27. Attention is directed to the fact that the specification discloses that activin itself is to be considered as "stimulator of activin" as referred to in claim 20 (see, for example, the third paragraph on page 2 of the specification).

This election is made with traverse and the Examiner is requested to reconsider the requirement for election. It is respectfully submitted that a thorough search of the relevant art would necessarily encompass all of the enumerated species. Accordingly, no undue burden would be placed on the Examiner from a searching perspective if the requirement for election were to be withdrawn.

FERGUSON, Mark W.J.  
Appl. No. 10/654,994  
July 17, 2006

An early and favorable Action is awaited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: Mary J. Wilson  
Mary J. Wilson  
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